

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10074

Securities and Exchange Commission

v.

Patricia B. Rocklage, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-39

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal (Petition filed directly in the United States Court of Appeals for the First Circuit) filed on 4/4/2006.

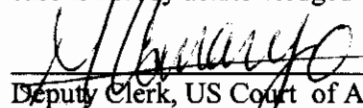
In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 5, 2006.

Sarah A Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/6/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10074-MEL**

Securities and Exchange Commission v. Rocklage
et al
Assigned to: Senior Judge Morris E. Lasker
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/12/2005
Jury Demand: Both
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

**Securities and Exchange
Commission**

represented by **Daniel P. Barry**
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V.

Defendant

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Defendant

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/12/2005	<u>1</u>	COMPLAINT against Patricia B. Rocklage, William M. Beaver, David G. Jones Filing fee: None needed , filed by Securities and Exchange Commission.(Howarth, George) (Entered: 01/13/2005)
01/12/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Howarth, George) (Entered: 01/13/2005)
01/12/2005		Summons Issued as to Patricia B. Rocklage, William M. Beaver, David G. Jones. (Howarth, George) (Entered: 01/13/2005)
01/14/2005	<u>2</u>	JOINT MOTION for Extension of Time to February 18, 2005 to File Answer re <u>1</u> Complaint by Securities and Exchange Commission, Patricia B. Rocklage.(Howarth, George) (Entered: 01/20/2005)
01/19/2005	<u>3</u>	JOINT MOTION for Extension of Time to February 18, 2005 to File Answer re <u>1</u> Complaint and up to and including March 18, 2005 for the pltf to respond. by Securities and Exchange Commission, David G. Jones.(Howarth, George) (Entered: 01/26/2005)
01/25/2005	<u>5</u>	JOINT MOTION for Extension of Time to February 18,2005 to File Answer re <u>1</u> Complaint and the pltf have up to and including March 18, 2005 to file response. by Securities and Exchange Commission, William M. Beaver.(Howarth, George) (Entered: 01/31/2005)
01/25/2005	<u>7</u>	NOTICE of Withdrawal of Appearance Attorney David E. Marder terminated. (Howarth, George) (Entered: 01/31/2005)
01/25/2005	<u>8</u>	NOTICE of Withdrawal of Appearance Attorney Benjamin D. Stevenson terminated. (Howarth, George) (Entered: 01/31/2005)
01/25/2005		Judge Morris E. Lasker : ORDER entered granting <u>2</u> Motion for Extension of Time to Answer re <u>1</u> Complaint Patricia B. Rocklage answer due 2/18/2005. (Howarth, George) (Entered: 01/31/2005)
01/27/2005		Judge Morris E. Lasker : Electronic ORDER entered granting <u>3</u> Motion for Extension of Time to Answer re <u>1</u> Complaint

		Securities and Exchange Commission answer due 2/18/2005; David G. Jones answer due 2/18/2005. (Howarth, George) (Entered: 02/02/2005)
01/28/2005	<u>24</u>	NOTICE of Appearance by Brian E. Whiteley on behalf of David G. Jones (Whiteley, Brian) (Entered: 01/28/2005)
01/31/2005	<u>26</u>	NOTICE of Appearance by Daniel H. Gold, David H. Erichsen on behalf of Patricia B. Rocklage (Howarth, George) (Entered: 01/31/2005)
01/31/2005	<u>29</u>	NOTICE of Appearance by Charles A. Hahn, Brian E. Whiteley on behalf of David G. Jones (Howarth, George) (Entered: 02/04/2005)
02/01/2005	•	Judge Morris E. Lasker : Electronic ORDER entered granting <u>5</u> Motion for Extension of Time to Answer re <u>1</u> Complaint William M. Beaver answer due 2/18/2005. (Howarth, George) (Entered: 02/07/2005)
02/08/2005	<u>10</u>	NOTICE of Appearance by Benjamin D. Stevenson, David E. Marder on behalf of William M. Beaver (Howarth, George) Additional attachment(s) added on 2/16/2005 (Howarth, George). (Entered: 02/16/2005)
02/11/2005	•	***Attorney David E. Marder for William M. Beaver added. (Howarth, George) (Entered: 02/11/2005)
02/18/2005	<u>11</u>	MOTION to Dismiss <i>For Failure to State a Claim</i> by David G. Jones.(Whiteley, Brian) (Entered: 02/18/2005)
02/18/2005	<u>12</u>	MEMORANDUM in Support re <u>11</u> MOTION to Dismiss <i>For Failure to State a Claim</i> filed by David G. Jones. (Whiteley, Brian) (Entered: 02/18/2005)
02/18/2005	<u>13</u>	MOTION to Dismiss by Patricia B. Rocklage.(Gold, Daniel) (Entered: 02/18/2005)
02/18/2005	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Dismiss filed by Patricia B. Rocklage. (Gold, Daniel) (Entered: 02/18/2005)
02/18/2005	<u>15</u>	MOTION to Dismiss for failure to state a claim by William M. Beaver.(Howarth, George) (Entered: 03/02/2005)
02/18/2005	<u>16</u>	MEMORANDUM in Support re <u>15</u> MOTION to Dismiss filed by William M. Beaver. (Howarth, George) (Entered: 03/02/2005)

03/08/2005	●17	Assented to MOTION for Extension of Time to 4/18/05 to file opposition to motions to dismiss by Securities and Exchange Commission.(Cadigan, Luke) (Entered: 03/08/2005)
03/14/2005	●	Judge Morris E. Lasker : ORDER entered granting 17 Motion for Extension of Time to file opposition to motion to dismiss, up to and including April 18, 2005 (Howarth, George) (Entered: 03/15/2005)
03/30/2005	●18	NOTICE of Change of Address by David E. Marder, Benjamin D. Stevenson (Howarth, George) (Entered: 04/04/2005)
04/18/2005	●19	Assented to MOTION for Leave to File Excess Pages in <i>Opposing Memorandum</i> by Securities and Exchange Commission.(Cadigan, Luke) (Entered: 04/18/2005)
04/18/2005	●20	Opposition re 15 MOTION to Dismiss, 11 MOTION to Dismiss <i>For Failure to State a Claim</i> , 13 MOTION to Dismiss filed by Securities and Exchange Commission. (Cadigan, Luke) (Entered: 04/18/2005)
04/28/2005	●21	MOTION for Leave to File <i>Reply Memorandum (Assented-To)</i> by Patricia B. Rocklage.(Gold, Daniel) (Entered: 04/28/2005)
04/28/2005	●22	REPLY to Response to Motion re 13 MOTION to Dismiss filed by Patricia B. Rocklage. (Gold, Daniel) (Entered: 04/28/2005)
04/28/2005	●23	Assented to MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Dismiss for Failure to State a Claim</i> by David G. Jones.(Whiteley, Brian) (Entered: 04/28/2005)
04/28/2005	●24	MEMORANDUM in Support re 11 MOTION to Dismiss <i>For Failure to State a Claim</i> filed by David G. Jones. (Whiteley, Brian) (Entered: 04/28/2005)
04/28/2005	●25	ASSENTED TO MOTION for Leave to File Reply Memo in support of Motion to Dismiss. by William M. Beaver. (Howarth, George) (Entered: 05/04/2005)
05/03/2005	●	Judge Morris E. Lasker : ORDER entered granting 21 Motion for Leave to File (Howarth, George) (Entered: 05/05/2005)
05/03/2005	●	Judge Morris E. Lasker : ORDER entered granting 23 Motion for Leave to File (Howarth, George) (Entered: 05/05/2005)
05/04/2005	●	Judge Morris E. Lasker : ORDER entered granting 25 Motion for Leave to File (Howarth, George) (Entered: 05/04/2005)

05/04/2005	<u>26</u>	REPLY to Response to Motion re <u>15</u> MOTION to Dismiss filed by William M. Beaver. (Howarth, George) (Entered: 05/04/2005)
05/04/2005		● NOTICE of Hearing on Motion <u>11</u> MOTION to Dismiss <i>For Failure to State a Claim</i> , <u>13</u> MOTION to Dismiss, <u>15</u> MOTION to Dismiss: Motion Hearing set for 6/22/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 05/04/2005)
06/22/2005		● Clerk's Notes for proceedings held before Judge Morris E. Lasker : Motion Hearing held on 6/22/2005 re <u>15</u> MOTION to Dismiss filed by William M. Beaver,, <u>11</u> MOTION to Dismiss <i>For Failure to State a Claim</i> filed by David G. Jones,, <u>13</u> MOTION to Dismiss filed by Patricia B. Rocklage,, Arguments. Motions taken under advisement. (Court Reporter none.) (Howarth, George) (Entered: 06/23/2005)
07/01/2005	<u>27</u>	NOTICE of Withdrawal of Appearance Attorney Daniel H. Gold terminated. (Gold, Daniel) (Entered: 07/01/2005)
08/23/2005	<u>28</u>	Judge Morris E. Lasker : ORDER entered denying <u>11</u> Motion to Dismiss, denying <u>13</u> Motion to Dismiss, denying <u>15</u> Motion to Dismiss. For Full Text See Docket No.[28]. (Howarth, George) (Entered: 08/24/2005)
09/13/2005	<u>29</u>	MOTION for Reconsideration re <u>28</u> Order on Motion to Dismiss,, <i>or, in the Alternative, Motion to Certify Order for Interlocutory Appeal Under 28 U.S.C. Sec.1292(b)</i> by Patricia B. Rocklage, William M. Beaver, David G. Jones.(Erichsen, David) (Entered: 09/13/2005)
09/13/2005	<u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION for Reconsideration re <u>28</u> Order on Motion to Dismiss,, <i>or, in the Alternative, Motion to Certify Order for Interlocutory Appeal Under 28 U.S.C. Sec.1292(b)</i> filed by Patricia B. Rocklage, William M. Beaver, David G. Jones. (Erichsen, David) (Entered: 09/13/2005)
09/14/2005	<u>31</u>	ANSWER to Complaint with Jury Demand by Patricia B. Rocklage.(Erichsen, David) (Entered: 09/14/2005)
09/14/2005	<u>32</u>	ANSWER to Complaint with Jury Demand by David G. Jones. (Whiteley, Brian) (Entered: 09/14/2005)
09/14/2005	<u>34</u>	ANSWER to Complaint with Jury Demand by William M. Beaver.(Howarth, George) (Entered: 09/20/2005)

09/16/2005	33	NOTICE of Scheduling Conference Scheduling Conference set for 10/27/2005 02:15 PM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) (Entered: 09/16/2005)
09/27/2005	35	Opposition re 29 MOTION for Reconsideration re 28 Order on Motion to Dismiss,, <i>or, in the Alternative, Motion to Certify Order for Interlocutory Appeal Under 28 U.S.C. Sec.1292(b)</i> filed by Securities and Exchange Commission. (Cadigan, Luke) (Entered: 09/27/2005)
09/28/2005		Electronic NOTICE of Hearing on Motion 29 MOTION for Reconsideration re 28 Order on Motion to Dismiss,, <i>or, in the Alternative, Motion to Certify Order for Interlocutory Appeal Under 28 U.S.C. Sec.1292(b)</i> : Motion Hearing set for 10/17/2005 10:00 AM in Courtroom 8 before Judge Morris E. Lasker. (Howarth, George) Modified on 10/3/2005 (Howarth, George). (Entered: 09/28/2005)
10/14/2005	36	MOTION for Leave to File (<i>Unopposed</i>) <i>Reply Memo In Support of Motion to Reconsider</i> by William M. Beaver. (Attachments: # 1 Attachment A)(Marder, David) (Entered: 10/14/2005)
10/17/2005		ElectronicClerk's Notes for proceedings held before Judge Morris E. Lasker : Motion Hearing held on 10/17/2005 re 29 MOTION for Reconsideration re 28 Order on Motion to Dismiss,, <i>or, in the Alternative, Motion to Certify Order for Interlocutory Appeal Under 28 U.S.C. Sec.1292(b)</i> filed by Patricia B. Rocklage,, William M. Beaver,, David G. Jones,,Arguments heard,and taken under advisement. (Court Reporter none.) (Howarth, George) (Entered: 10/20/2005)
12/14/2005	37	Judge Morris E. Lasker : ORDER entered granting in part and denying in part 29 Motion for Reconsideration is Denied, the Certification of the Order for Interlocutory Appeal is Granted For Full Text see Docket No. [37] (Howarth, George) (Entered: 12/15/2005)
12/28/2005		Judge Morris E. Lasker : Electronic ORDER entered granting 19 Motion for Leave to File Excess Pages (Howarth, George) (Entered: 12/28/2005)
02/15/2006	38	NOTICE of Change of Address by Luke T. Cadigan <i>Securities and Exchange Commission</i> (Cadigan, Luke) (Entered: 02/15/2006)

04/05/2006

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USCA CASE OPENING NOTICE: On April 4, 2006, this court granted the petition for permission to appeal filed by Patricia Rocklage, William Beaver and David Jones in No. 05-8019. All parties are directed to unse the above case caption for all further filings, including briefs and appendices. By April 14, 2006, the appellant, must pay the district clerk a filing fee in the amount of \$255.00. A notice of appeal need not be filed. The clerk will notify the circuit clerk once the appellant has paid the filing fee. (Ramos, Jeanette) (Entered: 04/05/2006)